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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,591	08/30/2000	Scott A. Idlas	2393/516	4358

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EXAMINER
JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
1773	

DATE MAILED: 12/04/2002 10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No.	Applicant(s)	
	09/652,591	IDLAS, SCOTT A.	
	Examin r	Art Unit	
	Monique R Jackson	1773	

-- The MAILING DATE of this c mmunication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-99* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-99* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. The amendment filed 9/19/02 has been entered. New claims 81-99 have been added. Claims 1-99 are pending in the application.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-21 and 48-87, and 94-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Idlas in view of Lustig et al (USPN 4,863,769) and in further view of Peiffer et al (USPN 6,063,482) for the reasons recited in the prior office action and restated below.

4. Idlas teaches a multilayer, preferably biaxially oriented, heat shrinkable film suitable for processing and/or packaging cook-in foods such as ham, roast beef and poultry, having an excellent combination of oxygen barrier, heat seal and optical properties as well as low extractable content levels comprising at least five sequential layers with a first layer consisting essentially of a copolymer of propene and at least one C_2-C_8 alpha-olefin having a propene content of at least 60 wt %, preferably at least 90wt% and optionally at least 95wt%, with a melting point less than 140°C, preferably about 126-136°C; a second layer comprising (1) a first copolymer of ethylene and at least one C_4-C_8 alpha-olefin having a density of from 0.900 to 0.915 g/cm^3 and a melt index of less than 1.0 dg/min and (2) a second copolymer of ethylene with from 4 to 18%, preferably 4 to 12%, of a vinyl ester or alkyl acrylate; a third gas barrier layer of EVOH or a blend of EVOH and nylon; a fourth layer the same as the second layer; and a fifth layer of a first copolymer of ethylene and at least one C_4-C_8 having a density of from 0.900 to 0.915 g/cm^3 and a melt index of less than 1.0dg/min, and a second copolymer of ethylene with

from 4 to 18%, preferably 4 to 12%, of a vinyl ester or alkyl acrylate, and optionally a third copolymer of ethylene and at least one C_3-C_8 alpha-olefin having a density of less than 0.900 g/cm^3 and a melting point of less than 85°C; wherein the propene copolymer of the first layer is preferably a propylene-ethylene copolymer, including a propylene-ethylene copolymer polymerized from a process using a metallocene catalyst (Abstract; Col. 6, lines 53-65; Col. 10, lines 15-40; Col. 11, lines 47-62; Claim 9.) Idlas teaches that the films have desirable high shrinkage values, which may be greater than 20% in either or both directions at 90C and beneficially may be greater than 30% (Col. 6, lines 21-27; Col. 7, lines 8-11; Col. 9, lines 3-6; Col. 15, lines 13-22.)

5. Though Idlas teaches the use of EVOH as the gas barrier layer, it is well known in the art that EVOH, nylon, and PVDC, including vinylidene chloride-vinyl chloride and vinylidene chloride-methyl acrylate copolymers, are functionally equivalent barrier materials utilized in the art as taught by Idlas wherein Idlas specifically teaches that known packaging films typically contain EVOH, nylon, and/or PVDC barrier layers and that EVOH is an alternative barrier layer for PVDC in terms of recycling (Col. 2, line 43-Col. 3, line 37) and hence one having ordinary skill in the art would have been motivated to utilize any of these known and conventional barrier materials, including any conventional PVDC barrier material, based on the desired barrier and film properties for a particular end use, particularly if recycling is not a desired property, given the reasonable expectation of success in order to achieve similar gas barrier properties.

6. Though Idlas does not teach the type of PVDC conventionally utilized in the art, Lustig et al teaches that a biaxially oriented, heat shrinkable film comprising a gas barrier core layer that may be either ethylene vinyl alcohol or polyvinylidene chloride with a vinylidene chloride

content of 70-95wt% copolymerized with vinyl chloride or acrylate esters provides a film suitable for packaging food articles such as meat products (Abstract; Col. 16, lines 31-57), as similarly used by Idlas, and hence, one having ordinary skill in the art at the time of the invention would have been motivated to utilize the functionally equivalent polyvinylidene chloride taught by Lustig having a vinylidene chloride content of 70-95wt% in place of the EVOH gas barrier layer in the invention taught by Idlas.

7. Idlas also teaches that the multilayer films have a thickness of 10 mils (254 microns) or less with the first layer comprising the propene copolymer being the food contact layer and may further include adhesive layers or additional intermediate layers wherein the packaging films have low levels of extractables with compliance with governmental regulations for food contact (Col. 6, lines 64-65; Col. 7, lines 26-41; Col. 8, lines 15-24.) Though Idlas teaches that the packaging film has low extractable levels and contains a first layer that may comprise a propylene-ethylene copolymer formed in the presence of metallocene catalysts, wherein it is well known in the art that copolymers formed by metallocene catalysts have narrow molecular weight distribution Mw/Mn, Idlas does not teach the n-hexane extractable content and the Mw/Mn of the propene copolymer as instantly claimed.

8. However, it is well known in the art that Mw/Mn and n-hexane extractable content are results of the polymerization process and are result-effective variables affecting the properties of the copolymers formed, particularly the melt processability and heat seal properties of the polymer as taught by Peiffer et al. Peiffer et al specifically teach a packaging film comprising a propylene polymer containing at least 90wt% propylene units and not more than 10wt% ethylene units wherein the propylene polymer is polymerized in the presence of metallocene catalysts

producing a polymer structure having an n-heptane extractable content of less than 1.0wt% and a low molecular weight distribution of less than 4, particularly 1.5 to 2.7, wherein the structure of the propylene polymer provides a packaging film having improved film properties including elasticity and high gloss (Col. 3, line 38 - Col. 4, lines 67.) Hence, given the reasonable expectation of success, one having ordinary skill in the art at the time of the invention would have been motivated to utilize routine experimentation to determine the optimum polymerization conditions to produce the metallocene-catalyzed propene copolymer taught by Idlas having the desired Mw/Mn and n-hexane extractable content for a particular end use, wherein Peiffer et teach the production of metallocene-catalyzed propylene copolymers having n-hexane extractable content and Mw/Mn values as instantly claimed provide improved film properties.

9. Claims 22-47 and 88-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Idlas in view of Lustig et al and in further view of Peiffer et al for the reasons recited in the prior office action and restated below.

10. The teachings of Idlas in view of Lustig et al and in further view of Peiffer et al are discussed above. Though Idlas teaches that the packaging films may further comprise additional intermediate layers, Idlas does not specifically teach the incorporation of an intermediate or transition layer between the first propene copolymer layer and the second ethylene blend layer, however, it is well known in the art that tie or intermediate layers can be provided between two adjacent layers wherein the tie or transition layer is a blend of the polymer materials utilized in the two adjacent layers thereby providing improved adhesion between the two layers. Hence, one having ordinary skill in the art would have been motivated to provide an intermediate layer as taught by Idlas between the first propene layer and the second ethylene blend layer wherein it

would have been obvious to one having ordinary skill in the art at the time of the invention to utilize routine experimentation to determine the optimum blend composition and thickness of the intermediate layer based on the composition of the first and second layers of the film taught by Idlas to provide the desired adhesion between the two layers.

11. Claims 1-92 and 94-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Idlas in view of Tsukamoto et al (USPN 6,063,462.) The general teachings of Idlas are discussed above in paragraph 4. Though Idlas teaches the use of EVOH as the gas barrier layer, it is well known in the art that EVOH, nylon, and PVDC, including vinylidene chloride-vinyl chloride and vinylidene chloride-methyl acrylate copolymers, are functionally equivalent barrier materials utilized in the art as taught by Idlas wherein Idlas specifically teaches that known packaging films typically contain EVOH, nylon, and/or PVDC barrier layers and that EVOH is an alternative barrier layer for PVDC in terms of recycling (Col. 2, line 43-Col. 3, line 37) and hence one having ordinary skill in the art would have been motivated to utilize any of these known and conventional barrier materials, including any conventional PVDC barrier material, based on the desired barrier and film properties for a particular end use, particularly if recycling is not a desired property, given the reasonable expectation of success in order to achieve similar gas barrier properties. Further, Tsukamoto et al also teach a flexible multilayer, heat shrinkable film suitable as a food packaging material wherein the film may comprise a gas barrier layer selected from for example, vinylidene chloride copolymers, ethylene-vinyl alcohol copolymer and various nylons, or a mixture of these gas barrier resins, wherein the vinylidene chloride copolymers (PVDC) include copolymers of vinylidene chloride and at least one mono-ethylenically unsaturated monomer copolymerizable therewith such as vinyl chloride and methyl

acrylate in a proportion of 2-40wt% (Col. 6, lines 49-Col. 7, line 33.) Therefore, one skilled in the art would have been motivated to utilize PVDC as taught by Tsukamoto et al as a functionally equivalent gas barrier material to EVOH in the invention taught by Idlas.

12. Idlas also teaches that the multilayer films have a thickness of 10 mils (254 microns) or less with the first layer comprising the propene copolymer being the food contact layer and may further include adhesive layers or additional intermediate layers wherein the packaging films have low levels of extractables with compliance with governmental regulations for food contact (Col. 6, lines 64-65; Col. 7, lines 26-41; Col. 8, lines 15-24.) Though Idlas teaches that the packaging film has low extractable levels and contains a first layer that may comprise a propylene-ethylene copolymer formed in the presence of metallocene catalysts, wherein it is well known in the art that copolymers formed by metallocene catalysts have narrow molecular weight distribution Mw/Mn, Idlas does not teach the n-hexane extractable content and the Mw/Mn of the propene copolymer as instantly claimed.

13. However, it is well known in the art that Mw/Mn and n-hexane extractable content are results of the polymerization process and are result-effective variables affecting the properties of the copolymers formed, particularly the melt processability and heat seal properties of the polymer. Further, Tsukamoto et al teach that by utilizing a metallocene catalyzed polyolefin, such as a propylene-based homopolymer or copolymer with minor portions of another α-olefin, having a Mw/Mn of below 3.0, preferably 1.5-2.8, and having little oligomer or low-molecular weight polymer faction, i.e. low levels of extractables, it is possible to provide a multilayer film with little stickiness (Col. 4, line 55-Col. 5, line 12.) Hence, given the reasonable expectation of success, one having ordinary skill in the art at the time of the invention would have been

motivated to utilize routine experimentation to determine the optimum polymerization conditions to produce the metallocene-catalyzed propene copolymer taught by Idlas having the desired Mw/Mn and n-hexane extractable content for a particular end use, wherein Tsukamoto et al teach that the use of a metallocene-catalyzed polyolefin with a Mw/Mn of below 3.0, preferably 1.5-2.8, and having little oligomer or low-molecular weight polymer faction, i.e. low levels of extractables, provides a multilayer film with little stickiness.

14. With regards to Claims 22-47 and 88-92, though Idlas teaches that the packaging films may further comprise additional intermediate layers, Idlas does not specifically teach the incorporation of an intermediate or transition layer between the first propene copolymer layer and the second ethylene blend layer, however, it is well known in the art that tie or intermediate layers can be provided between two adjacent layers wherein the tie or transition layer is a blend of the polymer materials utilized in the two adjacent layers thereby providing improved adhesion between the two layers. Hence, one having ordinary skill in the art would have been motivated to provide an intermediate layer as taught by Idlas between the first propene layer and the second ethylene blend layer wherein it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize routine experimentation to determine the optimum blend composition and thickness of the intermediate layer based on the composition of the first and second layers of the film taught by Idlas to provide the desired adhesion between the two layers, wherein Tsukamoto et al further teach that adhesive or intermediate layers may be disposed between respective layers to ensure sufficient adhesion between adjacent layers (Col. 7, lines 34-36.)

15. Claims 1-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto et al (USPN 6,063,462) in view of Idlas. Tsukamoto et al teach a flexible multilayer film suitable as a food-packaging material including a first seal layer comprising principally a metallocene-catalyzed polyolefin, and a second seal layer comprising a copolymer of at least one oxygen-containing monomer and ethylene, wherein the two adjacent layers of the multilayer film provide improved film-formability while retaining good sealability (Abstract.) Tsukamoto et al teach that the metallocene-catalyzed polyolefin in the first seal layer may be ethylene-based, propylene-based or butene-based wherein ethylene-based resins include copolymers of ethylene in a major proportion, at least 50wt% and a minor proportion of another α-olefin (Col. 4, lines 1-6.) Propylene-based resins may include homopolymers of propylene and copolymers of propylene with ethylene and other α-olefins (Col. 4, lines 12-15.) Tsukamoto et al teach that in order to provide a multilayer film having good film formability and heat resistance in addition to the sealability, hot tack and transparency, it is preferred to compose the first seal layer of a mixture comprising 90-0wt%, more preferably 90-25wt% of metallocene-catalyzed polyolefin having a melting point of 105-156°C (Col. 4, lines 18-24.) In the case of a heat-shrinkable film, it is preferred to have at least 25wt% of the metallocene-catalyzed polyolefin with a melting point of 105-145C so as to provide further improved resistances to boiling and cooking (Col. 4, lines 46-5.) Tsukamoto et al teach that the metallocene-catalyzed polyolefin has a Mw/Mn of below 3.0, preferably 1.5-2.8, and that by having little oligomer or low-molecular weight polymer faction, i.e. low levels of extractables, it is possible to provide a multilayer film with little stickiness, wherein the Examiner takes the position that these polyolefins would have n-hexane extractables values within the instantly claimed ranges (Col. 4, line 55-Col. 5, line 12.)

16. Tsukamoto et al also teach that the second seal layer comprises a resin that shows good adhesion to the first seal layer and comprises a copolymer of ethylene and at least one oxygen-containing monomer such as vinyl acetate, unsaturated acids like acrylic acid and methacrylic acid, or C_1-C_4 alkyl esters of such unsaturated acids and ionomers derived therefrom (Col. 5, lines 12-35.) The first second seal layer comprises the ethylene copolymer with 80-95wt% ethylene and 20-5wt% of the oxygen-containing monomer and may further contain a metallocene-catalyzed polyolefin or another ethylene/α-olefin copolymer within an extent of not hindering transparency of the resultant film. Hence, Tsukamoto et al does not specifically teach the blend of the second layer as instantly claimed however Idlas teaches a second layer adjacent a propylene seal layer including metallocene catalyzed propylene-ethylene copolymer wherein the second layer provides good interlayer adhesion to the multilayer film and comprises at least 10wt% ethylene/vinyl ester or alkyl acrylate copolymer blended with at least 10wt% of VLDPE, a copolymer of ethylene and at least one C_4-C_8 α-olefin having a density of from 0.900 to 0.915 g/cc, wherein the incorporation of VLDPE provides higher shrink, higher tensile strength and greater puncture resistance, and wherein this second layer as well as a fourth layer similar to this second layer can be provided on both sides of a core barrier layer in the multilayer film. (Col. 12, line 27-Col. 13, line 30.) Therefore, given the reasonable expectation of success, one having ordinary skill in the art at the time of the invention would have been motivated to include at least 10wt% of VLDPE or ethylene/C_4-C_8 α-olefin copolymer having a density of from 0.900 to 0.915 g/cc as taught by Idlas in the second seal layer taught by Tsukamoto et al comprising the copolymer of ethylene and an oxygen-containing monomer such as ethylene/vinyl ester or alkyl acrylate copolymer considering Tsukamoto et al specifically teach that the second layer may

further comprise ethylene/α-olefin copolymers and given that Idlas teaches that the incorporation of at least 10wt% VLDPE provides higher shrink, higher tensile strength and greater puncture resistance.

17. Tsukamoto et al further teach that the multilayer film may further comprise an outermost thermoplastic layer selected from thermoplastic resins listed at Col. 6, lines 41-49 or an intermediate layer that functions as a gas barrier layer comprising vinylidene chloride copolymer EVOH, or various nylons or blends of such gas barrier resins wherein the vinylidene chloride copolymers (PVDC) include copolymers of vinylidene chloride and at least one mono-ethylenically unsaturated monomer copolymerizable therewith such as vinyl chloride and methyl acrylate in a proportion of 2-40wt% (Col. 6, lines 41-Col. 7, line 33.) Tsukamoto et al teach that the film shrinkability resulting from stretch-orientation can vary depending on the usage but may for example be at least ca. 30% in both directions with preferably ca. 25-50% at 90-95C for hot sterilization for processed meat packaging (Col. 9, lines 3-14.) The film may further comprise a thermoplastic adhesion layer to provide sufficient adhesion between adjacent layers with a preferable thickness of at most 5 microns, more preferably 1-3 microns; as well as additional resin layers or recycle/pulverizate layers that would include the metallocene-catalyzed polyolefin of the first seal layer and the ethylene copolymer of the second seal layer (Col. 7, lines 33-50; Col. 8, lines 38-61.) Tsukamoto et al teach that the layers may be arranged in various structures and with a desired thickness based on the particular end use of the film and that typical layer arrangements are shown at Col. 9, lines 15-25, including one embodiment having the following structure: surface layer (first seal layer)/second seal layer/gas barrier layer/surface layer, as well as other structures that exclude a core barrier layer (Col. 9, lines 13-25; Examples.) Therefore,

though Tsukamoto et al does not specifically teach all of the film structures as instantly claimed, one having ordinary skill in the art at the time of the invention would have been motivated to utilize routine experimentation to determine the optimum film structure and layer thickness for a particular end use utilizing any of the material taught by Tsukamoto et al given the reasonable expectation of success.

Response to Arguments

18. Applicant's arguments filed 9/19/02 have been fully considered but they are not persuasive and/or moot in view of the new ground(s) of rejection. Applicant first argues that the recitation at Col. 3, lines 25-30 of Idlas teaches away from the use of PVDC and that Idlas only teaches embodiments utilizing EVOH. However, the Examiner notes that Idlas only states that "recycling of PVDC polymers is difficult" and that for "this reason EVOH has been employed as an alternative barrier layer", hence, if one skilled in the art is not concerned with recycling, PVDC would be an obvious barrier material given the teachings of Idlas. Further, though Idlas utilized EVOH in all embodiments, Idlas clearly suggests that EVOH, PVDC and nylon are known functionally equivalent gas barrier materials utilized in the art. With regards to the Applicants' arguments related to the propylene copolymer, though Idlas may state that a random copolymer is preferred, Idlas clearly discloses the use of metallocene catalyzed propylene ethylene copolymer. In terms of the instantly claimed invention utilizing the transitional phrase "consisting essentially of", it is noted that for the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, absent a clear indication in the specification or claims of what the basic and novel characteristics actually are, "consisting essentially of" will be construed as equivalent to "comprising." See, e.g., PPG, 156 F.3d at 1355, 48 USPQ2d at 1355 ("PPG could

have defined the scope of the phrase consisting essentially of' for purposes of its patent by making clear in its specification what it regarded as constituting a material change in the basic and novel characteristics of the invention."). See also In re Janakirama-Rao, 317 F.2d 951, 954, 137 USPQ 893, 895-96 (CCPA 1963). If an applicant contends that additional steps or materials in the prior art are excluded by the recitation of "consisting essentially of," applicant has the burden of showing that the introduction of additional steps or components would materially change the characteristics of applicant's invention. In re De Lajarte, 337 F.2d 870, 143 USPQ 256 (CCPA 1964). See also Ex parte Hoffman, 12 USPQ2d 1061, 1063-64 (Bd. Pat. App. & Inter. 1989.) Hence, the Examiner takes the position that the invention taught by Idlas reads on those claims that recite, "consisting essentially of". In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the primary reference Idlas teaches the equivalence of EVOH, PVDC and nylon in terms of a gas barrier material which is further supported by Lustig with a teaching of PVDC conventionally utilized in the art and Idlas also teaches the use of metallocene-catalyzed propylene/ethylene copolymer while Peiffer expands on the properties of metallocene-catalyzed propylene copolymers in packaging films. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense

necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Therefore, given the above, the Examiner maintains her position that the claimed invention would have been obvious over the prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 703-308-0428. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Monique R. Jackson
Patent Examiner
Technology Center 1700
November 30, 2002